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In re Application of ARNOLD et al
U.S. Application No.: 10/516,468
PCT Application No.: PCT/IB03/01962
Int. Filing Date: 16 May 2003
Priority Date Claimed: 04 June 2002
Attorney Docket No.: AT02 0029 US
For: ROLL BACK METHOD FOR A SMART
CARD

DECISION

This is in response to applicant's "Renewed Petition to Withdraw Abandonment Under 37 C.F.R. §1.181(a)" filed 04 October 2006.

BACKGROUND

On 16 May 2003, applicant filed international application papers with the United States Receiving Office (RO/US). The submission was assigned the above-identified International Application Number and International Filing Date.

On 16 May 2003, applicant filed international application PCT/IB03/01962, which claimed priority of an earlier European Patent Office application filed 04 June 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 11 December 2003. The thirty-month period for paying the basic national fee in the United States expired on 04 December 2004.

On 02 December 2004, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 17 June 2005, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 04 August 2005, applicant purportedly filed an executed declaration via facsimile.

On 13 July 2006, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the application is abandoned for failure to timely respond to the Notification of Missing Requirements.

On 21 July 2006, applicant filed a petition under 37 CFR 1.181.

On 30 August 2006, this Office mailed a decision dismissing the 21 July 2006 petition.

On 04 October 2006, applicant filed the present renewed petition under 37 CFR 1.181.

DISCUSSION

37 CFR 1.8(b) states:

In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

Applicant has previously satisfied items (1) and (2) above.

With regard to item (3) above, requisite statement has been provided.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.181 is GRANTED.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 13 July 2006 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 16 May 2003, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 21 July 2006.

The application is being forwarded to the DO/EO/US for further processing in accordance with this decision.



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